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Regulated Entities

Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Facilities that produce PET using the continuous TPA high viscosity multiple end finisher process.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities regulated by the NESHAP addressed in this notice. If you have questions regarding the applicability of the NESHAP addressed in this notice to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

If no relevant adverse comments are timely received, no further activity is contemplated in relation to this proposed rule, and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If relevant adverse comments are timely received, the direct final rule will be withdrawn and all public comment received will be addressed in a subsequent final rule. Because the EPA will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information and the rule provisions, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative

A. Paperwork Reduction Act

For the Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*. The OMB approved the information collection requirements and assigned OMB control number 2060-0351. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR Part 9. The EPA has amended 40 CFR Part 9, Section 9.1, to indicate the information collection requirements

contained in the Group IV Polymers and Resins NESHAP.

This action has no impact on the information collection burden estimates made previously. Therefore, the ICR has not been revised.

B. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether the regulatory action is "significant" and therefore, subject to OMB review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to lead to a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The proposed rule will provide a temporary extension of the compliance date specified in 40 CFR 63.1311(c) for the provisions contained in 40 CFR 63.1329 for existing affected sources producing PET using the continuous TPA high viscosity multiple end finisher process. The proposed rule does not add any additional control requirements. Therefore, this proposed rule was classified "non-significant" under Executive Order 12866 and was not required to be reviewed by OMB.

C. Regulatory Flexibility

The Regulatory Flexibility Act generally requires an Agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small government jurisdictions. This proposal would not have a significant impact on a substantial number of small entities because the proposed temporary compliance extension would not impose any economic burden on any regulated entities. Therefore, I certify that this action will not have a significant

economic impact on a substantial number of small entities.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under Section 205, the EPA must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that this proposed rule does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 23, 1998.

Carol M. Browner,
Administrator.

[FR Doc. 98-8213 Filed 3-30-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5985-4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Southern Shipbuilding Corporation Superfund Site from the National Priorities List and Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Southern Shipbuilding Corporation Superfund Site (the "Site") from the National

Priorities List (NPL) and requests public comment on this proposed action. All public comments regarding this proposed action which are submitted within 30 days of the date of publication of this document, to the address indicated below, will be considered by EPA. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is codified at Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. EPA in consultation with the State of Louisiana, through the Louisiana Department of Environmental Quality (LDEQ), has determined that no further response is appropriate, and that, consequently, the Site should be deleted from the NPL.

DATES: The EPA will consider comments submitted regarding its proposal to delete the Site from the NPL by April 30, 1998.

ADDRESSES: Comments may be mailed to: Mr. Mark Hansen, Remedial Project Manager (6SF-LT), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas TX 75202-2733, (214) 665-7548.

Information repositories.

Comprehensive information on the Site has been compiled in a public deletion docket which may be reviewed and copied during normal business hours at the following Southern Shipbuilding Corporation Superfund Site information repositories:

U.S. EPA Region 6 Library (12th Floor),
1445 Ross Avenue, Dallas TX 75202-2733, 1-800-533-3508.

St. Tammany Parish Public Library,
Slidell Branch, 555 Robert Blvd.,
Slidell, Louisiana 70450, (504) 643-4120.

FOR FURTHER INFORMATION CONTACT: Mr. Mark A. Hansen, Remedial Project Manager (6SF-LT), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas TX 75202-2733, (214) 665-7548.

or:

Mr. Duane Wilson, Louisiana
Department of Environmental Quality,
7290 Bluebonnet Road, Baton Rouge,
LA 70809, (504) 765-0487.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. NPL Deletion Criteria
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Appendix:

- A. Site Map

I. Introduction

This document was prepared by EPA Region 6 as Notice of Intent to Delete (NOID) the Southern Shipbuilding Corporation Superfund Site, Slidell, St. Tammany Parish, Louisiana (EPA Site Spill No. 066Z; CERCLIS No. LAD008149015), from the National Priorities List (NPL). The NPL is the list, compiled by EPA pursuant to CERCLA Section 105, of uncontrolled hazardous substance release sites in the United States that are priorities for long-term remedial evaluation and response. As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will consider comments concerning this NOID which are submitted within thirty days of the date of this NOID. EPA has also published a notice of the availability of this NOID in the New Orleans Times-Picayune (St. Tammany Edition), and the Slidell Sentry News.

Section II of this NOID explains the NCP criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Southern Shipbuilding Corporation Superfund Site and explains that the Site meets the NCP deletion criteria.

II. NPL Deletion Criteria

The NCP, at 40 CFR 300.425(e), provides that Sites may be deleted from the NPL if no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria has been met:

- i. Responsible parties or other persons have implemented all appropriate response actions required;
- ii. All appropriate Fund-financed¹ response under CERCLA has been implemented, and no further action by responsible parties is appropriate; or
- iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

If, at the site of a release, EPA selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, CERCLA Subsection 121(c), 42 U.S.C. 121(c), requires that EPA review such remedial action no less often than each 5 years to ensure that human health and

the environment are being protected by the remedial action. Since hazardous substances will remain at the Site,² EPA shall conduct such reviews. In response to community concern regarding potential future residential development of the Site, EPA committed to perform annual inspections of the Site for the next 5 years. EPA will begin annual inspections in the Summer of 1998 and conduct its final annual inspection in 2002. Annual inspections will be coordinated with the Louisiana Department of Environmental Quality and include at a minimum: a Site tour for an inspection of EPA's remedies and contact with City of Slidell officials to discuss current or planned property use and zoning. If new information becomes available which indicates a need for further action, EPA may initiate further remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.³

III. Deletion Procedures

EPA followed these procedures regarding the proposed deletion:

(1) EPA Region 6 made a determination that no further response action is necessary and that the Site may be deleted from the NPL;

(2) EPA has consulted with the appropriate environmental agency, the Louisiana Department of Environmental Quality (LDEQ), and LDEQ concurs with EPA's deletion decision;

(3) EPA has published, in a major local newspaper of general circulation at or near the Site, a notice of availability of the NOID, which includes an announcement of a 30-day public comment period regarding the NOID, and EPA distributed the NOID to appropriate State, local and Federal officials, and to other interested parties; and

(4) EPA placed copies of information supporting the proposed deletion (i.e., the public deletion docket) in the Site information repositories (the locations of these repositories are identified above).

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. As

² Treated soil, ash, and marginally contaminated soils remain on the Site under a clay cap which covers approximately nine acres of the Site. EPA considers the cap to be protective; nonetheless, since hazardous substances will remain on the Site, EPA is required to conduct the CERCLA-required five-year reviews.

³ The Hazardous Ranking System is the method used by EPA to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological or environmental damage.

¹ The Fund referred to here is the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986.

mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility of the site for future response actions.

EPA Region 6 will accept and evaluate public comments on this NOID before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received.

IV. Basis for Intended Site Deletion

A. Site Location and Description

The Southern Shipbuilding Corporation (Southern Shipbuilding or SSC) site is situated on approximately 54 acres of land located in Township 9S, Range 14E, Section 44 (30°16'21" north latitude and 89°48'03"") as shown in Appendix A. The site is located at 999 Canulette Road in St. Tammany Parish, Slidell, Louisiana and is immediately downstream of the Louisiana Highway 433 bridge. Approximately 1.5 miles upstream of the SSC site is the Bayou Bonfouca Superfund NPL site, which is an abandoned creosote treatment plant that is actively being remediated under the Federal Superfund Program.

As shown in Appendix A, the northern boundary of the SSC property consists of Bayou Bonfouca while the southern portion is defined by Canulette Road. Residential areas surround the site to the west, south, and on portions of the northern shore of Bayou Bonfouca. Directly opposite the active portions of the site on the northern side of Bayou Bonfouca is an active marine service company. The eastern portion of the site is heavily wooded and is bounded by State Highway 433. Approximately half of the western portion of the 54 acre SSC property has been cleared for the plant operations which included operation of two sludge pits that were the primary focus of EPA response actions at the Site. The term *sludge* as used in this document refers to the black, oily material in the pits, whether it is liquid or solid, floating or sinking. These pits were used for the disposal of material pumped from vessels from an undetermined time until 1972 and were the primary source of hazardous substance contamination seeping into Bayou Bonfouca. The oily waste pits were designated by EPA as Operable Unit One (OU1) and the remainder of the site was designated as Operable Unit Two (OU2).

In addition to the pits, the site consisted of a wide range of potential environmental and worker threats, many of which have been addressed as

EPA removal actions. Solid waste and hazardous substances were disposed of on the ground surface and in dilapidated buildings located on the Site. Abandoned piles of scrap metal, drums, paint cans, cranes, other heavy equipment, and discarded solid waste were scattered throughout the facility and in the wooded areas immediately adjacent to the operations plant. A paint shed on-site was estimated to have contained over 2,000 cans of paints, solvents and containers that were leaking or in various stages of decay. The majority of these removal actions were completed by the end of June 1996, in conjunction with the investigation and cleanup of contamination on the OU2 property.

Extensive sampling and analysis for a broad range of hazardous substances was completed and compiled in the Remedial Investigation Report, Feasibility Study, and Removal Support Reports 1 and 2. Based on the results of these investigations, EPA determined that several areas within OU2 presented a higher than allowable risk to potential future workers or residents on the Site. As a result, EPA conducted extensive removal actions that addressed contaminated areas and reduced site human health and environmental risks.

Unlike OU1, which contained primarily organic wastes such as polynuclear aromatic hydrocarbons (PAHs), OU2 contaminants included heavy metals such as lead and arsenic, and organics such as polychlorinated biphenyls (PCBs), and PAHs.

Since incineration of OU1 wastes was nearing completion and since the release or threatened release of hazardous substances from the Site constituted an imminent and substantial endangerment to public health and the environment, EPA conducted an expedited removal of the organic compound-contaminated soil areas from OU2 and blended those contaminated soils with the oily wastes from OU1. Blending of the OU1 and OU2 wastes aided in the handling of OU1 wastes by helping to stabilize the liquid oily wastes from the South Impoundment. Approximately 1,072 cubic yards of oily waste from OU2 were blended with OU1 wastes and transported to the Bayou Bonfouca incinerator.

In addition to the incineration of this waste material, EPA disposed of approximately 4,704 cubic yards of soil and debris that were contaminated with metals. Since metals can not be treated by incineration, EPA transported these wastes off-site for disposal. Analysis of the heavy metal-contaminated soils and debris indicated that it contained metals levels below the regulatory threshold for

treatment as a hazardous waste.

Therefore, because this material was classified as a non-hazardous waste regulated under Subtitle D of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.*, it was disposed of at the Woodside Landfill in Walker, Louisiana.

The Site also included large quantities of non-hazardous waste and debris. As part of a continuing cooperative effort with EPA, Signal Capital, the secured creditor of the bankrupt Southern Shipbuilding Corporation, has conducted extensive recycling and salvage efforts that have involved removal of most of the Site's salvageable and unsalvageable materials that are not contaminated with hazardous substances.

In addition to the chemicals of concern identified in the RI and FS, asbestos containing materials were detected in several debris piles and small pieces were discovered to be randomly scattered across the surface of OU2. EPA used visual identification and laboratory samples to remove potentially asbestos containing materials from surface soils and debris piles. In several areas, EPA excavated the debris pile to 4" below grade or to the extent of contamination, placed a protective geotextile warning barrier to the limits of excavation, backfilled excavated areas with a minimum of one foot of low permeability clay, revegetated the excavated area to prevent erosion, and transported the asbestos containing debris to an approved asbestos landfill for disposal. The Record of Decision for OU2 and the Administrative Record provide additional information on this response.

B. Site History

The facility was used for the manufacturing and repairing of shipping vessels including the gas freeing (cleaning) of cargo hulls for change of cargo for a period of over 75 years. Chemical compounds such as benzo(a)pyrene (BaP) and other polynuclear aromatic hydrocarbons (PAHs) have been identified at the site that constitute hazardous substances as defined at Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14), and further defined at 40 CFR 302.4.

The SSC site began operations in 1919 under the direction of Canulette Shipbuilding. In 1954, Canulette Shipbuilding sold the business to J & S Shipbuilding. Records of site operations for the period of ownership by each of these two companies are unavailable. In 1957, the Southern Shipbuilding

Corporation (SSC) purchased the property from J & S Shipbuilding. SSC ran the facility from 1957 until 1993, during which time it performed gas freeing, ship construction, docking and repairing operations. In 1993, SSC and its operator filed for Chapter 11 bankruptcy protection under the U.S. Bankruptcy Code and ceased all operations. Also in 1993, SSC's secured creditor, Signal Capital Corporation, secured the facility.

EPA has utilized available aerial photographs to interpret site conditions over the operational history of the facility. Those aerial photographs have provided evidence that the facility was well established by the 1940s and have indicated that the two surface impoundments were not constructed until after March 1939. An April 1954 photo shows a railroad running from the north along the Bayou Bonfouca and ending at the bayou in the area between the north and south impoundments, although the use of this railway is undocumented. That 1954 aerial also shows a small island less than 0.25 acres located in the center of Bayou Bonfouca near the graving dock and a maintenance slip along the upstream portion of the Bayou. The island appears to have been constructed with dredge spoils.

The 1954 photo also indicates that there were no residences on the southern portion of Bayou Bonfouca near the SSC facility and that residences were only sparsely located near the opposite bank. A November 1967 aerial

photograph revealed extensive dredging of coves along the southern portion of Bayou Bonfouca and the establishment of residences along both shores of the bayou in the vicinity of the site. In addition, the small island within the middle of the bayou and the breakwater for the maintenance slip no longer appear in the 1967 photo. That photo also indicates that the size of the north and south impoundments remained approximately the same over the 13 year period.

Subsequent photographs taken during the 1970s, 1980s, and 1990s indicate growth in residential communities bordering the facility but do not identify any major alterations to the impoundments or the rest of the SSC site. It is also important to note that a review of these historical photos does not show the presence of any impoundments other than the north and south impoundments and associated systems such as the weir system.

C. Characterization of Risk

Due to extensive remedial and removal actions by EPA and LDEQ, the monitoring results of operation and maintenance (O & M) activities to date, and the public health consultation by the Agency for Toxic Substances and Disease Registry (ATSDR), EPA verifies the implemented Site remedy is protective of human health and the environment.

D. Community Involvement

Extensive community relations and community involvement have occurred

at the SSC site. Public participation activities have been satisfied as required in CERCLA Subsection 113(k), 42 U.S.C. 9613(k), and in CERCLA Section 117, 42 U.S.C. 9617. Documents in the deletion docket on which EPA relied for recommendation of the Site deletion from the NPL have been made available to the public in the two information repositories, the location of which is identified above.

E. Proposed Action

In consultation with LDEQ, EPA has concluded that all appropriate response actions required at the Site (neither the CERCLA-required five-year reviews, nor operation and maintenance of the constructed remedy is considered further response action for these purposes), that all appropriate Fund-financed response actions under CERCLA have been implemented, and that no further response action is appropriate. Moreover, EPA, in consultation with LDEQ, has determined that Site investigations show that the Site now poses no significant threat to public health or the environment; consequently, EPA proposes to delete the Site from the NPL.

Dated: March 16, 1998.

Lynda F. Carroll,

*Acting Regional Administrator, U.S. EPA
Region 6.*

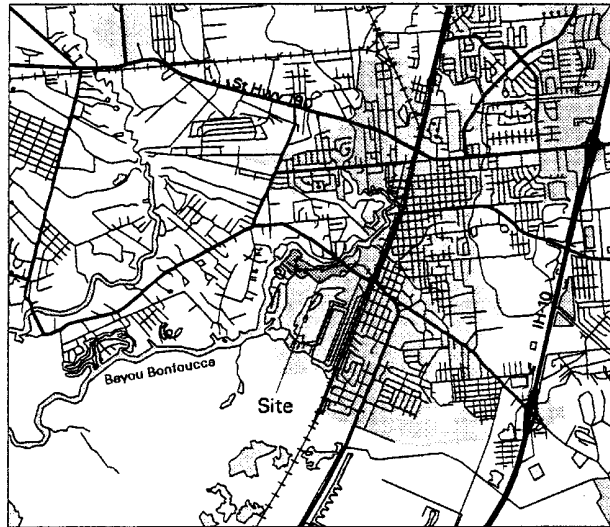
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Appendix A—Southern Shipbuilding Corporation Site Map

Southern Shipbuilding Corp. St. Tammany Parish Slidell, Louisiana

Site Boundary Coordinates (Lat/Long)

1. N 30° 18' 24.46"	W 89° 48' 04.04"
2. N 30° 16' 15.01"	W 89° 47' 49.28"
3. N 30° 16' 15.80"	W 89° 47' 36.18"
4. N 30° 16' 11.65"	W 89° 47' 30.87"
5. N 30° 16' 08.03"	W 89° 47' 51.06"
6. N 30° 16' 09.38"	W 89° 48' 01.11"
7. N 30° 16' 17.92"	W 89° 48' 11.43"

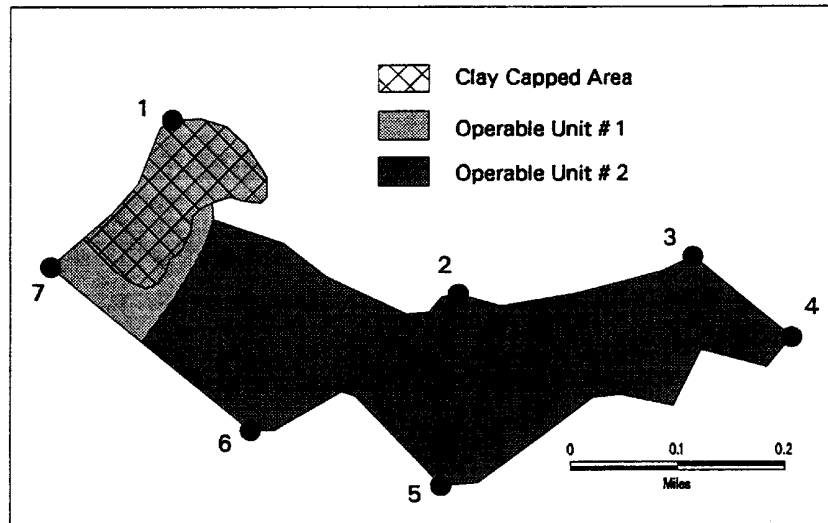


The 55 acre site is located in the southwestern part of the Slidell, St. Tammany Parish, LA. Section 9, Township 9s, Range 14s. This map shows a 30 square miles surrounding the Southern Shipbuilding Corp. Site. The red shaded area is the city limits of Slidell. The green shaded area is the Southern Shipbuilding Superfund boundary.



CDSI
Computer Data Systems, Inc.*

Plotted on Feb. 11, 1998/eww



Lat/Long coordinates are in GEOGRAPHIC projection, NAD27 datum, Degrees/Minutes/Seconds units. Site boundaries were digitized from a site map by E&E, R.I. Operable Unit #2.